United Nations S/2003/408

Security Council

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Draft resolution

The Security Council,

Reaffirming its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992) of 23 January 1992, which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the "arms embargo"), resolution 1407 (2002) of 3 May, resolution 1425 (2002) of 22 July 2002, and the statements of its President of 28 March 2002 (S/PRST/2002/8), of 12 December 2002 (S/PKST/2002/35), and of 12 March 2003 (S/PRST/2003/2),

Noting with regret that the arms embargo has been continuously violated since 1992, including since the signing of the "Declaration on Cessation of Hostilities and the Structure and Principles of the Somalia National Reconciliation Process" (Eldoret Declaration) in October 2002, and *expressing concern* over the illegal activities linked to the financing of arms purchases and military activities by the violators of the arms embargo in Somalia,

Reiterating its firm support for the Somali National Reconciliation Process and the ongoing Somali National Reconciliation Conference, *reaffirming* the importance of the sovereignty, territorial integrity, political independence and unity of Somalia, consistent with the purposes and principles of the Charter, and *commending* the efforts of Kenya as the host of the Intergovernmental Authority on Development (IGAD) sponsored Somali National Reconciliation Conference,

Reiterating its insistence that all States, in particular those of the region, should not interfere in the internal affairs of Somalia. Such interference only further destabilizes Somalia, contributes to a climate of fear and impacts adversely on human rights, and could jeopardize the sovereignty, territorial integrity, political independence and unity of Somalia. *Stressing* that the territory of Somalia should not be used to undermine stability in the subregion,

Reiterating its serious concern over the continued flow of weapons and ammunition supplies to and through Somalia from sources outside the country, in contravention of the arms embargo, which is severely undermining peace and security and the political efforts for national reconciliation in Somalia, and which undermines the commitments made at the Nairobi Conference on Small Arms and Light Weapons in 2000,

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Recognizing the importance of improving the implementation and enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into violations of the arms embargo,

Determining that the situation in Somalia constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all States and other actors to comply fully with resolution 733 (1992), and *reaffirms* that non-compliance constitutes a violation of the provisions of the Charter of the United Nations;

2. *Welcomes* the report of the Panel of Experts dated 25 March 2003 (S/2003/223) submitted pursuant to paragraph 11 of resolution 1425 (2002), *notes with interest* the observations and recommendations contained therein, and *expresses* its intention to give full consideration to the report;

3. *Decides* to re-establish a Panel of Experts for a period of 6 months commencing no later than 3 weeks from the date of the adoption of this resolution, to be based in Nairobi, with the following mandate:

(a) to investigate the violations of the arms embargo covering access to Somalia by land, air and sea, in particular by pursuing any sources that might reveal information related to violations;

(b) to detail information and make specific recommendations in relevant areas of expertise related to violations and measures to give effect to and strengthen the arms embargo in its various aspects;

(c) to carry out field based research, where possible, in Somalia, States neighbouring Somalia and other States, as appropriate;

(d) to assess the capacity of States in the region to implement fully the arms embargo, including through a review of national customs and border control regimes;

(e) to focus on the ongoing arms embargo violations, including transfers of ammunition, single use weapons, and small arms;

(f) to seek to identify those who continue to violate the arms embargo inside and outside Somalia, and their active supporters, and to provide the Committee established by resolution 751 (1992) of 24 April 1992 (hereinafter referred to as "the Committee") with a draft list for possible future actions;

(g) to explore the possibility of establishing a monitoring mechanism for the implementation of the arms embargo with partners inside and outside Somalia in close cooperation with regional and international organizations, including with the African Union;

(h) to refine the recommendations provided in the report of the Panel of Experts (S/2003/223);

4. *Requests* the Secretary-General, upon the adoption of this resolution and acting in consultation with the Committee, to appoint up to four experts, including the Chairman, drawing as much as possible and as appropriate on the expertise of the members of the Panel of Experts appointed pursuant to resolution 1425 (2002),

and *further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Panel;

5. *Further requests* the Secretary-General to ensure that the Panel of Experts comprises, and has access to, sufficient expertise in the areas of armament and financing thereof, civil aviation, maritime transport, and regional affairs, including specialized knowledge of Somalia, in accordance with the resource requirements, administrative and financial arrangements outlined in the report of the expert team pursuant to resolution 1407 (2002);

6. *Requests* all Somali and regional parties as well as government officials and other actors contacted outside the region to cooperate fully with the Panel of Experts in the discharge of its mandate, and requests the Panel of Experts to notify the Security Council immediately, through the Committee, of any lack of cooperation;

7. *Requests* the Panel of Experts to provide a mid-term briefing to the Council, through the Committee, and to submit a final report at the end of its mandated period to the Security Council, through the Committee, for its consideration;

8. *Decides* to send a mission of the Committee, led by the Chairman of the Committee, to the region at an earliest possible stage after the Panel of Experts has resumed its work to demonstrate the Security Council's determination to give full effect to the arms embargo;

9. *Calls again upon* all States, in particular those in the region, to provide the Committee with all available information on violations of the arms embargo;

10. *Invites* the neighbouring States to report to the Committee quarterly on their efforts to implement the arms embargo;

11. *Calls upon* regional organizations, in particular the African Union and the League of Arab States, as well as States that have the resources, to assist Somali parties and the States in the region in their efforts to fully implement the arms embargo;

12. *Expresses* its determination to review the situation regarding the implementation of the arms embargo in Somalia on the basis of information provided by the Panel of Experts in its reports;

13. *Decides* to remain actively seized of the matter.